

1 SENATE BILL 556

2 **47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

3 INTRODUCED BY

4 Phil A. Griego

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10 AN ACT

11 RELATING TO INSURANCE; PROVIDING FOR ASSIGNMENT OF HEALTH CARE
12 AND DENTAL CLAIMS.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 Section 1. Section 59A-12A-10 NMSA 1978 (being Laws 1989,
16 Chapter 374, Section 10) is amended to read:

17 "59A-12A-10. PAYMENT OF CLAIMS.--

18 A. Except as provided in Subsection B of this
19 section, all claims paid by the administrator from funds
20 collected on behalf of the insurer shall be paid only on drafts
21 of and as authorized by [~~such~~] the insurer.

22 B. Dental hygiene claims paid by an administrator
23 for a dental insurer shall be paid on the basis of assignment
24 to the provider of the dental health care. No dental insurer
25 may refuse to honor an assignment of a claim for payment of

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1 benefits for dental hygiene. The provider may collect from the
2 insured any copayment, coinsurance, deductible or other amount
3 that the insured is liable for under the dental health care
4 plan.

5 C. For the purposes of this section, "dental
6 insurer" means a person licensed by the state to issue health
7 insurance that offers coverage for services provided in the
8 practice of dental hygiene as provided in Subsections B, D and
9 E of Section 61-5A-4 NMSA 1978."

10 Section 2. A new section of Chapter 59A, Article 22 NMSA
11 1978 is enacted to read:

12 "[NEW MATERIAL] DENTAL HYGIENE COVERAGE CLAIMS PAYMENT.--

13 A. An individual or group hospital or medical
14 expense insurance policy delivered or issued for delivery in
15 this state that provides dental hygiene coverage shall pay
16 claims for benefits provided under that coverage on the basis
17 of assignment to the provider of the dental hygiene care. The
18 provider may collect from the insured any copayment,
19 coinsurance, deductible or other amount that the insured is
20 liable for under the policy.

21 B. For the purposes of this section, "dental
22 hygiene coverage" means health insurance coverage of services
23 provided in the practice of dental hygiene as provided in
24 Subsections B, D and E of Section 61-5A-4 NMSA 1978.

25 C. The provisions of this section do not apply to

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1 nonprofit health care plans issued pursuant to Chapter 59A,
2 Article 47 NMSA 1978."

3 Section 3. A new section of Chapter 59A, Article 23 NMSA
4 1978 is enacted to read:

5 "[NEW MATERIAL] DENTAL HYGIENE COVERAGE CLAIMS PAYMENT.--

6 A. Each insurer that delivers or issues for
7 delivery in this state a group health insurance policy that
8 provides dental hygiene coverage shall pay claims for benefits
9 provided under that coverage on the basis of assignment to the
10 provider of the dental hygiene care. The provider may collect
11 from the insured any copayment, coinsurance, deductible or
12 other amount that the insured is liable for under the policy.

13 B. For the purposes of this section, "dental
14 hygiene coverage" means health insurance coverage of services
15 provided in the practice of dental hygiene as provided in
16 Subsections B, D and E of Section 61-5A-4 NMSA 1978.

17 C. The provisions of this section do not apply to
18 nonprofit health care plans issued pursuant to Chapter 59A,
19 Article 47 NMSA 1978."

20 Section 4. A new section of the Prepaid Dental Plan Law
21 is enacted to read:

22 "[NEW MATERIAL] ASSIGNMENT OF HEALTH CLAIMS.--

23 A. Claims shall be paid on the basis of assignment
24 to the provider of the prepaid dental services. The provider
25 shall not collect any payment from the member except a

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underscoring material = new
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1 copayment, coinsurance, deductible or other amount that the
2 member is liable for under the membership coverage.

3 B. A prepaid dental plan organization shall not
4 refuse to honor an assignment of a claim. An insurance policy
5 or contract issued or renewed after June 30, 2006 shall not
6 contain a restriction on the member's right to assign a claim
7 to a provider of prepaid dental services.

8 C. Claims shall be paid pursuant to the Insurance
9 Code.

10 D. As used in this section:

11 (1) "assignment" means the transfer from a
12 member of the right to collect a claim payment to the provider
13 who rendered the prepaid dental services; and

14 (2) "claim" means a demand for prepaid dental
15 services payment."

16 Section 5. A new section of the Prepaid Dental Plan Law
17 is enacted to read:

18 "[NEW MATERIAL] PROVIDER DISCRIMINATION PROHIBITED--DENTAL
19 HEALTH CARE.--All individual and group subscriber contracts
20 delivered or issued for delivery in New Mexico by a prepaid
21 dental plan that, on a service or indemnity basis, or both,
22 provide for treatment of persons for the prevention, cure or
23 correction of any illness or physical or mental condition shall
24 not contain any provisions that exclude a person licensed
25 pursuant to the Dental Health Care Act and shall not

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1 discriminate in the reimbursement levels for same or similar
2 services provided by other providers."

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